



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,478	07/02/2003	Allon G. Englman	47079-00207	3126

30223 7590 01/17/2007
JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

EXAMINER

NGUYEN, DAT

ART UNIT	PAPER NUMBER
----------	--------------

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

21

Office Action Summary

Application No.

10/612,478

Applicant(s)

ENGLMAN ET AL.

Examiner

Dat T. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 10-14, 16-22 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-14, 16-22 and 25-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendments filed on June 12, 2006 in which applicant amends claims 1, 8, 10, 14, 16, 19, 21, 22 and 25, cancels claims 7, 9, 15, 23 and 24, and responds to claim rejections. Claims 1-6, 8, 10-14, 16-22 and 25-39 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-6, 14, 16-22, 25, 27-33 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,210,275) in view of Vancura (US 6,517,073).

3. Regarding claims 1 and 14, Olsen teaches a method for allowing players at a plurality of gaming terminals to place side wagers, the method comprising:

- a. conducting a wagering games on the plurality of gaming terminals (abstract, col. 4, lines 15-65);
- b. achieving a progressive game;
- c. in response to achieving the progressive game, sending a side wager inquiry signal to a second one of the plurality of gaming terminals indicating the

Art Unit: 3714

achievement of the progressive game, wherein the step of sending is performed by a signage controller in a signage located above and coupled to the plurality of game terminals (col. 16, lines 35-45 and figure 1); and

d. in response to receiving the side wager inquiry signal, displaying a communication to a player of the second one of the plurality of gaming terminals inquiring whether the player desires to make a sidewager on the event that may occur in the progressive game (feature step 610, col. 15, lines 42-65)

e. the second one of the plurality of interconnected game terminals including an input mechanism receiving a side wager input in response to the progressive game being achieved (figure 5, feature 500, displays the bonus round screen at a terminal with various input mechanisms for wagering on progressive game);

f. signage located above and coupled to the plurality of interconnected gaming terminals, the signage displaying the progressive game (figure 1 and 5).

Further regarding claim 1, 14 and 36, Olsen is silent regarding the achievement of the bonus game at a first gaming terminal and further the achievement being of a random event. However, Vancura discloses a bonus game wherein the achievement of the bonus game is achieved by a player with a qualifying blackjack hand. The issuance of the blackjack hand is considered a random event as is well known in the art. Once the player qualifies for the bonus round, other players are afforded the opportunity to participate in the bonus game as well. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a bonus event triggering requirement in combination with the random outcome of the base game in order to

Art Unit: 3714

increase player excitement and interest. Whereby the possibility of entering in a bonus game through achieving a triggering combination would increase the player's excitement should a player achieve said triggering combination. This increases player interest in the game and increases casino revenue.

4. Regarding claim 2, If the secondary player of Olsen wins any of the bets, the payout amount rewarded to the secondary player corresponds the amount of his side wager at the end of the game since the bonus game is a progressive game, the larger the player wagers the more the player receives as the pool amount is based on the size of the player's wagers. Furthermore, players have to wager a certain amount of coins to purchase different tickets with different payouts corresponding to the value of the ticket as illustrated in payout table VI found in col. 12, lines 50-55.

5. Regarding claim 4, wherein the event is a particular outcome of the progressive game. Players are rewarded based on the finishing places of the horses in the progressive game (col. 12, lines 50-55).

6. Regarding claim 5, further comprising receiving a side wager response signal from the second one of the plurality of gaming terminals indicating that a side wager has been made. Olsen inherently possesses this claimed feature because the controller would have to receive an indicating signal in order to determine which gaming terminals are

Art Unit: 3714

participating for the bonus game. Furthermore, the examiner has interpreted feature 520 (wager button on the bonus screen) as the claimed signal response.

7. Regarding claim 6, the game credits players based on a payout table if an event occurs (col. 12, lines 50-55).

8. Regarding claim 19, Olsen is silent regarding rewarding the player who achieves the bonus game some minimal payout amount at the end of the progressive game. Vancura discloses rewarding the player that qualifies for the bonus game some minimal payout amount (col. 3, lines 55-67 and col. 4, lines 1-15). It would have been obvious to one of ordinary skill in the art at the time of invention to include the minimal payout amount for a player qualifying in the bonus game in order to increase player interest in the game. The minimal payout serves as some consolation prize even if the qualifying player does not win in the bonus game despite receiving the bonus initiating hand. This consolation prize helps to prevent a player from feeling as if he's lost despite receiving a good hand in the base game.

9. Regarding claims 20, 21, 32 and 33, Olsen discloses a signage located above the plurality of interconnected gaming terminals (figure 1 and 5) and including a signage controller (feature 120), the signage controller transmitting the side wager inquiry signal to the first one of the plurality of the interconnected gaming terminals (col. 16, lines 35-45). The first one of the plurality of game terminals then transmits a side wager

Art Unit: 3714

response signal to the signage controller (col. 15, lines 50-67 and please see the discussion regarding claim 5 above). The signage controller conducts the progressive game and awards credits to players of the plurality of interconnected gaming terminals if the winning outcome is achieved (col. 16, lines 37-67).

10. Regarding claim 25, the players of the bonus game have the possibility of being awarded different levels of payouts greater than a first payout based on the outcome of the progressive game (col. 12, lines 50-55).

11. Regarding claim 26, Olsen is silent regarding providing side wagers based on a prediction of whether a player will land in a game piece on a certain location of a game board. Vancura discloses a secondary game wherein players have the option of playing should a player qualify for a bonus game outcome. The players are rewarded based on their side wagers with respect to the location of the game piece at the end of the bonus game (col. 5, lines 35-67).

12. Regarding claim 37, Olsen is silent regarding the progressive game outcome being dependent on a wager amount chosen by players during the wagering games. Vancura discloses a game wherein the outcome of the game or the house advantage is dependent on the amount of players wagering in the game. If there are more players wagering more in the game, then the house advantage decreases and the players receive a higher chance of winning (col. 6, lines 28-67). Therefore, it would have been

Art Unit: 3714

obvious to one of ordinary skill in the art at the time of applicant's invention to include a wager dependent outcome in order to entice players to wager more in the game whereby increasing casino revenue.

13. Regarding claim 38 and 39, Olsen discloses a progressive game in which different levels of payout, greater than the first awarded depending on the outcome (col. 6, lines 20-67, figures 2, 3 and 5) to provide progressive game that allows for a player to win more than just one progressive jackpot (col. 4, lines 10-64).

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Vancura as applied to claim 1 above, and further in view of Demar et al. (US 6,203,429).

Vancura in view of Olsen discloses a plurality of gaming terminals capable of participating in a progressive or community-based bonus game, but fails to explicitly disclose a progressive game relating to rolling dice. Demar et al. teaches a progressive game relating to rolling dice (col. 12, line 44). Demar has been cited to illustrate that a progressive game related to rolling dice is old and well known in the art at the time of the invention to provide a visual equivalent of a random number (col. 10, lines 54-67). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify Vancura in view of Olsen by using dice on a game board to provide

Art Unit: 3714

a visual equivalent of a random number (col. 10, lines 54-67) in order to increase realism in the board game themed bonus game.

15. Claims 8-14, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Vancura and further in view of Giobbi et al. (US 6,155,925).

16. Regarding the achievement and inquiry signals of claim 8 and 14, please refer to the discussion regarding independent claims 1 and 19 above.

Regarding claims 8, 10, 14, 34 and 35, Vancura and Olsen fail to disclose a primary wagering game that operates using a plurality of selectable paylines with wagers being capable of being made at each payline. Olsen however does disclose a qualifying requirement for players to enter into the bonus game being that of a certain wager amount. Giobbi et al. discloses a game that operates by players selecting from a plurality of paylines and making bets for each payline (Figure 1 and the description thereof). Giobbi et al. also discloses various bonus games wherein a requirement for entrance into said bonus game is some minimal bet amount. One of such bonus game requires the player to place a max bet on all paylines (Figure 9g and the description thereof). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a multi-payline base game of Giobbi et al. in the progressive bonus game of Vancura in view of Olsen as well as a max bet qualifying requirement for bonus play in order to increase player interest and excitement. The presence of multiple paylines and a max bet requirement for the entrance into bonus play will entice players to bet more and increase casino revenue.

Art Unit: 3714

17. Regarding claims 11-13, please refer to the discussion of claims 4 and 5.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8, 10-14, 16-22 and 25-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is 5712722178. The examiner can normally be reached on M-F 8am-5pm.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen


SCOTT JONES
PRIMARY EXAMINER